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PTO/SB/21 (04-04)

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/900,057	
	Filing Date	Jul 6, 2001	
	First Named Inventor	Sheabar, et al.	
	Art Unit	1654	
	Examiner Name	P. Leith	
Total Number of Pages in This Submission	4	Attorney Docket Number	4532659/29930 (KEM 48)

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Check & Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kent A. Herink
Signature	
Date	July 2, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Jeri D. Krutsinger		
Signature		Date	July 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1 110.00)

**Complete if Known**

Application Number	09/900,057
Filing Date	7/6/2001
First Named Inventor	Sheabar
Examiner Name	P. Leith
Art Unit	1654
Attorney Docket No.	4532659/29930 (KEM 48)

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit  
Account  
Number

12-2250

Deposit  
Account  
Name

Davis, Brown, Koehn, Shors &amp; Roberts, P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent	Multiple Dependent					
		-20**=	X		=	
		-3**=	X		=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	110.00
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$110.00)

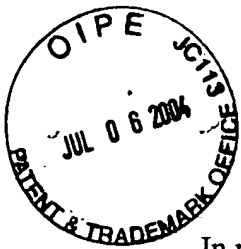
**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Kent A. Herink	Registration No. (Attorney/Agent)	31025	Telephone	515-288-2500
Signature				Date	July 2, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Kemin Industries, Inc. ) Group Art Unit: 1654  
)  
Serial No.: 09/900,057 ) Examiner: P. Leith  
Filed: July 6, 2001 )  
For: Method for Controlling the Yield )  
And Purity of Proteinase Inhibitor II )  
During Extraction )

Mail Stop: Petitions  
Commissioner for Patents  
Washington, DC 20231

**PETITION TO REVIVE ABANDONED APPLICATION UNDER THE  
PROVISIONS OF 37 C.F.R. §1.137(a)**

Dear Sir:

Applicant respectfully petitions that the above-identified patent be revived under the provisions of 37 C.F.R. §1.137(a) on the grounds that the entire delay and subsequent abandonment of the above-identified application was unavoidable. A Final Rejection was mailed on November 4, 2003. Applicant filed an Amendment on January 7, 2004 and, on the same day, filed a Petition to Add a Cross-Reference under Rule 78.

According to the Patent Office's website, the Amendment was not received by the Examiner until May 26, 2004. Applicant's last day to file a timely reply, including all possible extensions, was May 4, 2004. The Applicant's time to reply expired before the Examiner ever received the Amendment filed on January 7, 2004.

In addition, the Petition to Add a Cross-Reference under Rule 78 has never been acted on, and the Applicant respectfully requests that the Rule 78 petition be granted.

07/08/2004 AWDNDAF1 00000004 09900057

01 FC:1452

110.00 0P

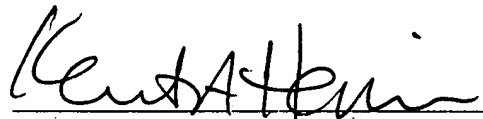
1069794\_1

The entire delay and subsequent abandonment of the above-identified application was entirely due to delay at the Patent Office, and was thus unavoidable.

Accordingly, the Applicant respectfully requests that this petition be granted, and that the application be reinstated. Applicant enclosed the petition fee of \$110.

Respectfully submitted,

Date: July 1, 2004



Kent A. Herink  
DAVIS, BROWN, KOEHN,  
SHORS & ROBERTS, P.C.  
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Des Moines, Iowa 50309  
Telephone: (515) 288-2500

ATTORNEYS FOR APPLICANT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Trademarks, 2900  
Crystal Drive, Arlington, Virginia 22202-3513, on

7-7-04

By Jeri D. Krutinger